

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:18-00260

EDWIN SHAFFER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On April 12, 2023, the United States of America appeared by Jonathan T. Storage, Assistant United States Attorney, and the defendant, Edwin Shaffer, appeared in person and by his counsel, Gordon Lee Mowen, II, for a hearing on the Petition seeking revocation of supervised release, submitted by United States Probation Officer Codie P. Blankenship. The defendant commenced a four (4) year term of supervised release in this action on January 31, 2022, as more fully set forth in the Judgment in a Criminal Case entered by the court on June 19, 2019.

The court heard the admissions of the defendant, and the representations and arguments of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court finds by a preponderance of the evidence that the defendant, has violated the conditions of supervised release by committing violations in the following respects: (1) the defendant submitted urine specimens that tested positive for methamphetamine and amphetamine on September 5 and 14, 2022, October 5, 13, and 27, 2022, November 2, 10, 16, and 30, 2022, December 7, 15, and 21, 2022, January 11, 17, and 30, 2023, and February 7, 2023; all as admitted by the defendant, and as set forth in the petition on supervised release, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal

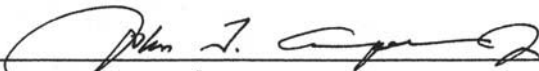
Procedure, and finding that a sentence that is sufficient but not greater than necessary to meet the goals of sentencing after considering the factors set forth in 18 U.S.C. § 3583(e), is that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by FORTY-TWO (42) MONTHS of supervised release, upon the same terms and conditions as heretofore, and with the following added condition.

1. Upon release from imprisonment, the defendant shall participate and successfully complete a 9 to 12-month residential substance abuse treatment program at Recovery Point or a similar institution offering a 9 to 12-month residential substance abuse treatment program. The Probation Officer is directed to find such placement for the defendant, and the defendant must follow all the rules and regulations of such facility.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: April 13, 2023



John T. Copenhaver, Jr.
Senior United States District Judge